

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

BEN JOHNSON,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

CIVIL NO. 3:08CV324

ORDER

This matter is before the Court on the Report and Recommendation of the Magistrate Judge (R&R) entered on February 24, 2009. The time to file objections has expired and neither party has objected to the R&R. Having considered the matter and deeming it otherwise proper and just to do so, it is hereby ORDERED:

- (1) The Report and Recommendation of the Magistrate Judge is ACCEPTED and ADOPTED as the OPINION of the Court.
- (2) Plaintiff's Motion for Summary Judgment (docket entry no. 14) and Motion for Remand (docket entry no. 16) are DENIED.
- (3) Defendant's Motion for Summary Judgment (docket entry no. 17) is GRANTED.
- (4) The decision of the Commissioner is AFFIRMED.
- (5) This case is CLOSED.

Let the Clerk of the Court send a copy of this order to all counsel of record.

It is so ORDERED.

_____/s/_____
Robert E. Payne
United States District Judge

Richmond, Virginia
Date: March 26, 2009